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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,548	08/24/2001	Laurent Ouvry	213141US2	1500
22850	7590	11/30/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHANG, EDITH M	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/935,548	Applicant(s) OUVRY ET AL.	
	Examiner Edith M Chang	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12052001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The article "ASIC Implementation of a Direct-Sequence Spread-Spectrum RAKE-Receiver" by Stephen D. LINGWOOD, Hans KAUFMANN, Bruno HALLER, publishes in IEEE Vehicular Technology Conference VTC'94, Stockholm, June 1994, pp 1-5, has not been considered.

Specification

2. The abstract of the disclosure is objected to because line 15 should be deleted.

Correction is required. See MPEP § 608.01(b).

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Limit the abstract to a single paragraph.

4. The disclosure is objected to because of the following informalities:

Page 10, lines 20-21, "the integrator 24 in figure 1 integrated in circuit 90 in figure 2" wherein the integrator is not shown in figure 1; and circuit 90 is now shown in figure 2.

Page 20 line 1, for the formality of the application under the present office practice, applicant(s) is required to replace "Claims" with "I or We Claim", "The Invention Claimed Is" (or the equivalent) before the Claims.

Appropriate correction is required.

Drawings

5. The blocks pertaining elements in FIG.1 to FIG.7 need to have descriptive labels, in conformance with 37 CFR 1.84(n) and 1.84(o). For example, a descriptive label of "calculation energy means" should be inserted into FIG.7 to properly describe element (110) of the "calculation weighing factor assembly" block 265.

6. Figures 1 to 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claims 1 and 2 are objected to because of the following informalities:

Claim 1, line 2: "DP-MOK" is suggested changing to "DP (differential phase) -MOK (M-ary orthogonal keying)" line 10: "the channel" is suggested changing to "a"; line 14: "energy" is suggested changing to "power"; line 17: "these" is suggested changing to "the correlation"; line 18: "this energy" is suggested changing to "this energy of the correlation peaks"; line 19: "this weighted energy" is suggested changing to "this weighted energy of the correlation peaks".

Claim 2, line 1: "Non-coherent" is suggested changing to "A non-coherent"; line 17: "the peaks" is suggested changing to "the correlation peaks"; line 21: "a determined" is suggested changing to "the determined"; line 24: "these means" is suggested changing to "the means of calculating the average energy"; line 25: "231" is suggested changing to "221", and "various" is suggested changing to "M".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 12-13: “the first information symbols” lacks antecedent basis; line 16: “this signal” does not clearly indicate that which signal is “this signal”; the signal processed, the filtered signal, or the weighted signal?; line 20: “the second information symbols” lacks antecedent basis.

Claim 2, line 4: “it” is not clearly indicate what it is the “it”, the process or the receiver; line 14: “the first information symbols” lacks antecedent basis; and lines 20-21: “the second information symbols” lacks antecedent basis.

Allowable Subject Matter

10. Claims 1 and 2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest, alone or in a combination, among other things, at least a non-coherent receiver for a signal with spectrum spreading and DP-MOK mixed modulation and its process as a whole, the combination of elements and features, which includes the means of calculating the average energy of the correlation peaks produced by the DP demodulator of the selected weighted filtered signal with the highest energy, this average forming the weighting factor of the selected weighted filtered signal with the highest energy, and this means of calculating the average energy connected to the weighting circuits of the M channels and the weighting circuit for weighting the energy of the correlation peaks.

Art Unit: 2637

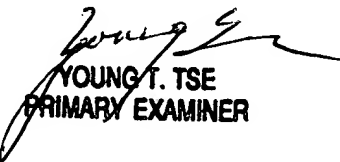
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang
November 21, 2004

YOUNG T. TSE
PRIMARY EXAMINER


YOUNG T. TSE
PRIMARY EXAMINER